

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
JONESBORO DIVISION**

PLASSER AMERICAN CORPORATION

PLAINTIFF

v.

No. 3:06CV00095 JLH

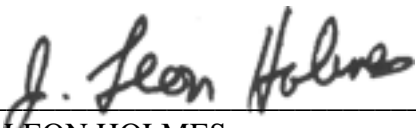
THE BURLINGTON NORTHERN AND  
SANTE FE RAILWAY COMPANY

DEFENDANTS

**JUDGMENT**

Plasser American Corporation's claim for negligence is dismissed because it is preempted by the Federal Railway Safety Act, 49 U.S.C. § 20101 et seq., and Federal Railroad Administration regulations. The Burlington Northern and Sante Fe Railway Company's motion for summary judgment is denied with respect to Plasser American Corporation's breach of contract claim, which arises under the laws of the State of Arkansas and is not preempted. The Court declines to exercise supplemental jurisdiction over the surviving state-law claim; that claim is therefore remanded to the Circuit Court of Lawrence County, Arkansas.

IT IS SO ORDERED this 14th day of December, 2007.

  
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J. LEON HOLMES  
UNITED STATES DISTRICT JUDGE